

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

WIHLY HARPO,

Plaintiff,

v.

INTERMARK MANAGEMENT
CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 1:21-cv-87

ORDER

This matter comes before the Court on Plaintiff's Motion for Comprehensive Application of the Prison Mailbox Rule. Doc. 95. Defendant Jacob T. Hayes, Intermark Management Corporation, and William Austin Pruitt filed a Response, opposing Plaintiff's Motion. Doc. 98.

Plaintiff asks the Court to direct the Clerk of Court to docket all his filings since he was incarcerated on July 29, 2021, with the date Plaintiff signed those respective filings, rather than the date the Clerk of Court received those filings, which is how they are currently docketed. Doc. 95. Plaintiff argues the prison mailbox rule makes the signing date the operative date for his filings. Id. Plaintiff is correct insofar as he argues the prison mailbox typically provides a pro se prisoner's legal submission is considered filed on the date it is delivered to prison authorities for mailing, which courts assume is the date he signed it. Daker v. Comm'r, Ga. Dep't of Corr., 820 F. 3d 1278, 1286 (11th Cir. 2016). But Plaintiff has not shown any authority that requires the Clerk of Court to docket his filings based on those dates. Similarly, Plaintiff has not shown the Court has failed to apply the prison mailbox rule. And Plaintiff does not allege he has been prejudiced by a lack of application of the prison mailbox rule or that the Court has

considered a submission untimely based on the date it was received rather than the date a filing was signed.

The Court will apply the prison mailbox rule where appropriate. However, the Court will not direct the Clerk of Court to change the docketing dates for any filings Plaintiff submitted.

Accordingly, the Court **DENIES** Plaintiff's Motion.

SO ORDERED this 5th day of August, 2022.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written above a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA